

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

In Re:

Case No. HG 10-00379

DARRYL T. STUTHARD,

Chapter 7; Filed: 1/15/10

Debtor.

Honorable Jeffrey R. Hughes

/

MOTION TO COMPEL TURNOVER

NOW COMES Chapter 7 Trustee Jeff A. Moyer ("Trustee"), by and through his attorneys, The Bankruptcy Group, Inc., and states as his Motion to Compel Turnover to the Court the following:

1. On January 15, 2010, Darryl T. Stuthard ("Debtor" or "Stuthard") filed a voluntary *Pro Se* Chapter 7 petition for relief under the Bankruptcy Code.
2. Jeff A. Moyer ("Trustee" or "Movant") is the duly-appointed, qualified and acting Chapter 7 Trustee in this case.
3. The Trustee requests turnover from Mr. Stuthard the total of all tax refunds generated from the filing of his 2008 and 2009 IRS. State of Michigan and any applicable City tax returns, all of which were filed post-petition, none of which have been properly disclosed nor exempted, and which are believed to total a minimum of \$4,733.
4. The personal property involved is not of inconsequential value nor without benefit to the estate.
5. Mr. Stuthard has failed to turn over the funds in question to the Trustee as required.

WHEREFORE, Trustee Jeff A. Moyer requests this Court to enter an Order granting the following relief:

- A. Requiring the immediate turnover by Mr. Stuthard of the total tax refunds generated from the filing of his 2008 and 2009 IRS, State of Michigan and any applicable City tax returns;
- B. Grant a money judgment against Mr. Stuthard for the amount of any such undisclosed and non-exempt refunds which have already been expended; and
- C. Grant such other or further relief as this Court deems just and proper.

Respectfully submitted,

THE BANKRUPTCY GROUP, INC.
Attorneys for Trustee Jeff A. Moyer

Dated: April 5, 2010

By: 
Jeff A. Moyer (P44671)
Business Address:
P.O. Box 337
Grandville, MI 49468-0337
(616) 532-4002